

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA, *ex rel.* BRUTUS
TRADING, LLC,

Plaintiff,

-v-

STANDARD CHARTERED BANK, STANDARD
CHARTERED PLC, and STANDARD CHARTERED
TRADE SERVICES CORPORATION,

Defendants.

18 Civ. 11117 (PAE)

ORDER

PAUL A. ENGELMAYER, District Judge:

Brutus Trading LLC (“Brutus Trading”), the relator in this *qui tam* action, in connection with its motion to vacate, seeks a pre-motion conference regarding its motion to disqualify Assistant United States Attorney Jean-David Barnea and its potential motion to appoint an expert. *See* Dkt. 112, 119. The Court rejects the request for a pre-motion conference. The motion for a pre-motion conference, and the proposed motion itself, appears to be transparent bids to delay this litigation by unnecessarily hampering the Government’s response to the pending motion to vacate.¹


Although the Court doubts that Brutus Trading can meet the high “standard of proof” required for motions to disqualify, which are “disfavored” and recognized as “often interposed for tactical reasons” and as “inevitably caus[ing] delay” even when made in good faith, *Pagan v. C.I. Lobster Corp.*, 549 F. Supp. 3d 356, 359 (S.D.N.Y. 2021), the Court will permit such a

¹ The Court notes that it has already denied Brutus Trading’s earlier request to reopen the case. *See* Dkt. 97 (Opinion); Dkt. 99 (Second Circuit affirmance).

motion to be made, and adopts the joint briefing schedule proposed. The Government's response to the disqualification motion is due July 15. Brutus Trading's reply, if any, is due July 22.

The Government's response to the motion to appoint an independent expert will be due 14 days after the Court decides the disqualification motion. Brutus Trading's reply, if any, will be due 7 days after that. The Government's response to the motion to vacate will be due 14 days after the Court decides the motion to appoint an independent expert. Brutus Trading's reply, if any, will be due 7 days after that.

SO ORDERED.



PAUL A. ENGELMAYER
United States District Judge

Dated: July 8, 2024
New York, New York